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Secretary, U.S. Nuclear Regulatory Commission
Attn: Rulemakings and Adjudications Staff
Washington, DC 20555-0001

Subject: Response to Petition to revise 10 CFR 50 (Docket No. 50-79)

The purpose of this letter is to provide the response of the risk counties surrounding the Perry Nuclear Power Plant (Ashtabula, Geauga, and Lake), to the subject petition to amend emergency planning requirements for commercial nuclear power plants. Specifically, the petition contends that current requirements are insufficient to protect potentially affected nursery schools and day care centers, and suggests significant and detailed changes to accommodate this.

It is the Counties' position that:

- Current requirements and established emergency plans contain all required planning elements, and provide reasonable assurance of adequate protection of all members of the public in the event of a nuclear power plant incident.
- Some of the proposed requirements would add significant burden on the state and local governments without the providing of significant additional benefit to public health and safety.

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Given the above, the Counties suggest that the petition be denied. The following provides a basis for the Counties' position.

General:

10 CFR 50.47(a)(1) requires that nuclear power plant licensees develop and maintain plans that provide reasonable assurance of adequate protection of the public in an emergency. 10 CFR 50.47(a)(2) states that the NRC will base its findings regarding adequacy of these plans on a review by FEMA, who will determine if the plans are adequate and whether there is reasonable assurance that they can be implemented. FEMA promulgated NUREG 0654/ FEMA-REP-1 to provide detailed guidance on the development and implementation of these plans. Section II.J and Appendix 4 of that document detail the requirements for the identification and planning for special populations and schools. The term "schools" "refers to public and private schools, and licensed or government supported pre-schools and day-care centers."

FEMA Guidance Memorandum (GM) EV-2, "Protective Actions For School Children" provides an aid to federal officials in evaluating emergency plans and preparedness for school children during a radiological emergency. Given that this GM is the standard to which established emergency plans are assessed, all such plans contain requirements to:

- identify the populations of all school facilities listed above.
- determine and provide for protective actions for this population.
- establish and maintain notification methods to these facilities.
- determine and provide for transportation and relocation.

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These requirements are assessed at the biennial exercise at each nuclear power site. Given this, the Counties believe that emergency plan requirements as currently codified provide reasonable assurance of adequate protection of all members of the public, including children in nursery schools and day care centers.

Given the above requirements, the Counties take exception to several of the 14 listed suggestions of the petitioner's request. Specific comments follow.


- Item number 3 suggests "approved child-safety seats". It is the Counties' contention that this is an unreasonable demand. Adequate measures are in place to safely move children in case of an emergency. More importantly, this is not a nuclear issue and should not be included in a 10 CFR. Day care centers and nurseries may need to be evacuated for any number of reasons. This proposed requirement is not nuclear specific and therefore should not be part of nuclear planning standards.

- Item number 6 suggests "annual site inspections". It is the Counties' contention that state licensed facilities are subject to required inspections in several areas (fire, safety, health). This proposed provision would provide no additional margin of safety to day cares and preschools. It is not clear what the objective of such an inspection would be.
- Item number 8 suggests "identification cards". It is the Counties' contention that, similar to item number 3 above, this has no place in a 10 CFR. It is not nuclear specific and general identification and safety requirements for children should not be addressed in this document.
- Item number 12 suggests "listing of designated relocation centers...in area phone directories". It is the contention of the Counties' that the intent of this provision is met by sending a letter home to the parents identifying the location of the relocation center. More detailed, specific information can be provided to the parents in a letter than can be provided in a phone directory. With the changing status of day cares and preschools over a period of time, this proposed provision would provide for more confusion than help to parents.

The other requests from the petitioner add no value to the Emergency Plans that are presently in place for risk counties. The intent of the proposals is being met although not always in the specific language used in the petition.

The counties of Ashtabula, Geauga, and Lake, Ohio, suggest that this petition be denied.


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